

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, February 11, 2013

**CASE NUMBER:** C15-2012-0142

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas ABSENT – STUART HAMPTON  
\_\_\_\_ Bryan King  
\_\_\_\_ Fred McGhee  
\_\_\_\_ Melissa Hawthorne  
\_\_\_\_ Sallie Burchett  
\_\_\_\_ Cathy French (SRB only)

**APPLICANT:** Jim Bennett

**OWNER:** Kevin Smith

**ADDRESS:** 2710 and 2712 E 12TH ST

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an "SF-3" district and adjoins a lot that is (i) zoned "SF-3"; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

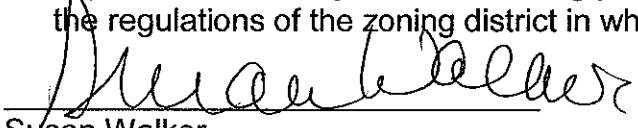
**BOARD'S DECISION:** POSTPONED TO JANUARY 14, 2013 – RENOTIFICATION REQUIRED, NEED TO CORRECT ADDRESS; JAN 14 CANCELLED MEETING DUE TO NOTIFICATION ERROR POSTING OF AGENDA

The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an "SF-3" district and adjoins a lot that is (i) zoned "SF-3"; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

**BOARD'S DECISION:** FEB 11, 2013 POSTPONED TO MARCH 11, 2013 PER APPLICANT

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
\_\_\_\_\_  
Susan Walker  
Executive Liaison

  
\_\_\_\_\_  
Jeff Jack  
Chairman

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

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Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2012-0142 - 2710, 2712 E 12<sup>th</sup> Street  
 Contact: Susan Walker, 512-974-2202  
 Public Hearing: Board of Adjustment, February 11, 2013

Huels Block  
 Your Name (please print)

2504 New York Drive  
 Your address(es) affected by this application

[Signature]  
 Signature

2/6/13  
 Date

Daytime Telephone: 24 363 2628

Comments:

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

If you use this form to comment, it may be returned to:  
 City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

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**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, February 11, 2013

Your Name (please print)

TRUP Harpelle

☐ I am in favor  
☒ I object

Your address(es) affected by this application

1204 Walnut Ave. N. 2.5.13

Daytime Telephone: 303 349 8584

Comments:

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If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE:** Monday, December 10, 2012

**CASE NUMBER:** C15-2012-0142

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\_\_\_\_\_  
Cathy French (SRB only)

Jeff Jack

Michael Von Ohlen

Nora Salinas

Bryan King

Fred McGhee

Melissa Hawthorne

Sallie Burchett

**APPLICANT/OWNER:** Kevin Smith

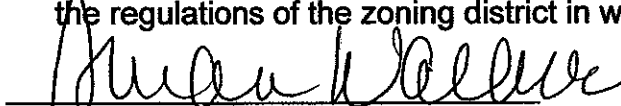
**ADDRESS:** 2702 12TH ST

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Chestnut Neighborhood Plan) The Land Development Code states that the minimum lot area for a cottage special use is 3,500 square feet for a lot that is located in an "SF-3" district and adjoins a lot that is (i) zoned "SF-3"; (ii) has a lot area of at least 5,750 square feet; and (iii) is developed as a single-family residence.

**BOARD'S DECISION:** POSTPONED TO JANUARY 14, 2013 – RENOTIFICATION REQUIRED, NEED TO CORRECT ADDRESS

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

  
Susan Walker  
Executive Liaison

  
Jeff Jack  
Chairman

**Chestnut Neighborhood Plan Contact Team**

December 6, 2012

City of Austin Board of Adjustment  
301 West 2<sup>nd</sup> St.  
Austin, Texas 78701

Case Number: C15-2012-0142

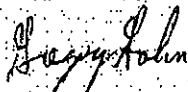
Dear Board of Adjustment,

I am writing to express the support of the Chestnut Neighborhood Plan Contact Team for the applicant's variance request for the lot at 2706 E 12th St. We support the following variance:

-Decrease the minimum lot size requirement of Section 25-2-1444 (B) (2) from 3,500 square feet to 2,750 square feet for Lot 2C and from 3,500 square feet to 2,625 square feet for Lot 2D in order to erect a Cottage Special Use on each lot in an "SF-3-NP", Family Residence Neighborhood Plan zoning district.

The Chestnut NPCT has met with the applicant to discuss this development, and support him in his variance request.

Best wishes,



Greg Goeken  
Chair  
Chestnut NPCT  
830-613-5553

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**Case Number:** C15-2012-0142 - 2710, 2712 E 12<sup>th</sup> Street

**Contact:** Susan Walker, 512-974-2202

**Public Hearing:** Board of Adjustment, January 14, 2013

Your Name (please print) HARRIS BLOCK

☒ I am in favor  
☐ I object

Your address(es) affected by this application 2504 NEW YORK DRIVE

Signature [Signature]

Date 1/14/13

Daytime Telephone: 214-363-2628

Comments: IN FAVOR

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088

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**Contact: Susan Walker, 512-974-2202**  
**Public Hearing: Board of Adjustment, January 14, 2013**

Your Name (please print) \_\_\_\_\_

☐ I am in favor  
☒ I object

Your address(es) affected by this application \_\_\_\_\_

1804 Walnut Ave Austin 78702

Signature *SW* Date 1.9.13

Daytime Telephone: 303 349 8584

Comments: \_\_\_\_\_

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 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088



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**Case Number: C15-2012-0142 - 2702 E 12<sup>th</sup> Street**

**Contact: Susan Walker, 512-974-2202**

**Public Hearing: Board of Adjustment, December 10th, 2012**

*TRAPP Hargrove*

Your Name (please print)

1204

Delant Av

Austin TX 78702

Your address(es) affected by this application

*[Signature]*

Signature

12.4.12

Date

Daytime Telephone: 303 349 8584

Comments:

☐ I am in favor  
☒ I object

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor

Susan Walker

P. O. Box 1088

Austin, TX 78767-1088

**Walker, Susan**

---

**To:** laura mcquary  
**Cc:** Jose Minguell, AIA; Ray McQuary  
**Subject:** RE: C15-2012-0142

Laura,

You are correct. Mr. Kevin Smith came in this morning after noticing that he had listed the wrong address on the application. Because of this...this case will NOT be heard on Monday and new notices indicating the correct address and lot highlighted on the map will have to be sent out.

This case will be moved to the January 14<sup>th</sup> hearing.

**Susan Walker**  
**Senior Planner**  
**Planning & Development Review Department**  
**Phone: 512-974-2202**  
**Fax: 512-974-6536**

---

**From:** laura mcquary [REDACTED]  
**Sent:** Monday, December 03, 2012 12:05 PM  
**To:** Walker, Susan  
**Cc:** Jose Minguell, AIA; Ray McQuary  
**Subject:** C15-2012-0142

Susan,

We received the Notice of Public Hearing for Case C15-2012-0142.

I need to point out that there is a big error on the variance request.

Kevin Smith is listed as the owner for 2702 E 12th, however this is incorrect. The owner for this property is Ray Jackson McQuary and he is not requesting a variance. Likewise Ray McQuary's property has been highlighted as the subject tract shown for this case. I think Kevin Smith should revise his application before the hearing.

Thanks,

**Laura McQuary, architect**

[REDACTED]

Minguell-McQuary, llc  
702 san antonio st.  
austin, texas 78701

[REDACTED]  
5 1 2 . 5 7 7 . 2 2 0 1

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2012-0142  
ROW # 10856754

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-0210120103

**WARNING:** Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2710 E 2712  
2700 E 12<sup>th</sup> STREET

LEGAL DESCRIPTION: Subdivision – RESUBDIVISION OF HENRY ULIT'S

Lot(s) 2 Block 2 Outlot 29-30 Division B

I KEVIN SMITH, on behalf of myself as authorized agent for

ARMER + SMITH CAPITAL GROUP, LLC affirm that on 11/01/2012,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

25-2-1444 (B) (2)

3500 → 2750-2C

3500 → 2625-2D

in a SF3-NP district.  
(zoning district)

(Chestnut)

**NOTE:** The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The plat is approved by the City of Austin, and recorded, but the Residential Building Review department will not issue a Building Permit due to the size of my lot in comparison to the adjacent lot.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

Other plats for Cottage Lots that go through the City of Austin's approval process and are approved by the City of Austin are allowed to be issued a Building Permit as long as they meet all of the impervious cover, building cover, and setbacks requirements. My property is being denied such a permit

- (b) The hardship is not general to the area in which the property is located because:

The property is located in the Chestnut neighborhood of the City of Austin. The Chestnut Neighborhood Plan has adopted most of the Special Uses available to a neighborhood including Small Lot Amnesty, Cottage Lot, Urban Home, Secondary Apartment, Neighborhood Urban Center, and Mixed Use Building.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The property directly adjacent on the West side is a vacant lot and the property directly adjacent to the East is a single family residence. The property two lots to the East is zoned TOD. The ability to construct a

single family cottage on the Cottage Lot will not have an adverse impact on adjacent properties.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

\_\_\_\_\_  
N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

\_\_\_\_\_  
N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

\_\_\_\_\_  
N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

\_\_\_\_\_  
N/A

<p><b>NOTE:</b> The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.</p>
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**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

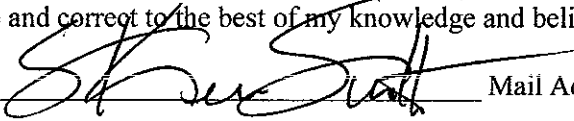
Signed \_\_\_\_\_

Mail Address P.O. BOX 203535

City, State & Zip \_\_\_\_\_ AUSTIN, TX 78720

Printed \_\_\_\_\_ KEVIN SMITH \_\_\_\_\_ Phone \_\_\_\_\_ 512-964-3864 \_\_\_\_\_ Date 11/01/12

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address P.O. BOX 203535

City, State & Zip AUSTIN, TX 78720

Printed KEVIN SMITH Phone 512-964-3864 Date 11/01/12



TRV  
2 PGS

201200161

PLAT DOCUMENT # \_\_\_\_\_

# PLAT

## PLAT RECORDS INDEX SHEET:

**SUBDIVISION NAME:** RESUBDIVISION OF LOT 2 BLOCK 2 HENRY  
ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

**OWNERS NAME:** ARMER + SMITH CAPITAL GROUP LLC

**RESUBDIVISION?** YES ☒ NO ☐

**ADDITIONAL RESTRICTIONS / COMMENTS:**

2012146030

## RETURN:

PLANNING AND DEVELOPMENT  
505 BARTON SPRINGS 4<sup>TH</sup> FL  
AUSTIN TX 78704

## PLAT FILE STAMP

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

Aug 31, 2012 12:48 PM

BENAVIDESV: \$65.00

201200161

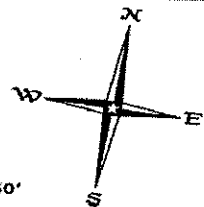
Dana DeBeauvoir, County Clerk  
Travis County TEXAS

8.31.12

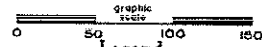
\$14500

201200161

# RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B



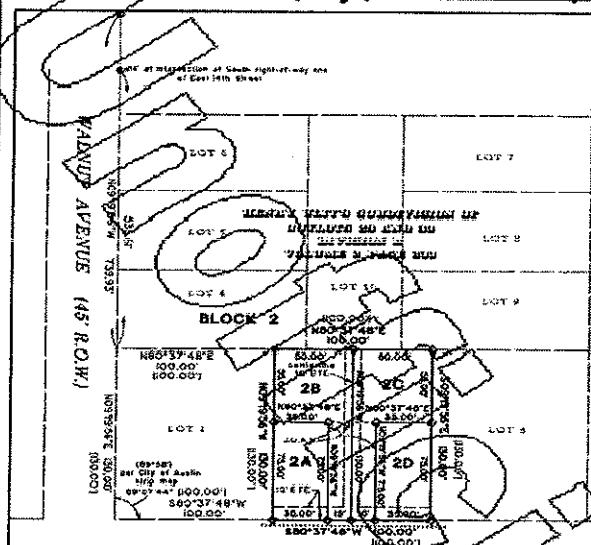
SCALE: 1" = 50'



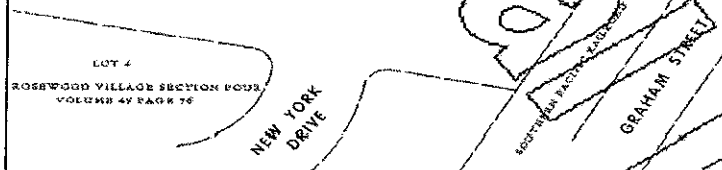
## Legend

- W-iron Rod Found
- W-iron Pipe Found
- W-iron Rod Set with plastic cap
- Impressed with "Holt Carson, Inc."
- 600 Nail Found (Records Dimension)
- existing Concrete Slabwork
- J.U.A.E. = Joint Use Access Easement
- E.T.E. = Electric and Telecommunications Easement

LOT SUMMARY	
Total Number of Lots = 4	
Lot 2A = 3,625 Square Feet	
Lot 2B = 3,675 Square Feet	
Lot 2C = 3,675 Square Feet	
Lot 2D = 3,625 Square Feet	
Total Area = 13,000 Square Feet = 0.298 Acre	
Lot 2A Residential Use	
Lot 2B Residential Use	
Lot 2C Residential Use	
Lot 2D Residential Use	



EAST 12TH STREET (R.O.W. varies)



This subdivision is located in the Full Purpose Jurisdiction of the City of Austin  
On the 28th day of August, 2012.

ACCEPTED AND AUTHORIZED for record by the Director, Planning and Development  
Review Department City of Austin, County of Travis, this the 28th day of  
August, 2012, A.D.

*[Signature]*  
Director, Planning and Development Review Department

ACCEPTED AND AUTHORIZED for record by the Planning Commission of the City of Austin, Texas.  
On the 28th day of August, 2012, A.D.

*[Signature]*  
Chairman  
*[Signature]*  
Secretary

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS  
Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing  
Instrument of Warranty Deed and its Amendment was filed for record in my office on the  
28th day of August, A.D. 2012, at 2:14 o'clock P.M. in the Official  
Public Records of said County and State in Document No. 201200161

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID  
COUNTY this the 28th day of August, 2012, A.D.

DANA DEBEAUVOUR, COUNTY CLERK TRAVIS COUNTY, TEXAS

By: *[Signature]*  
Deputy



NOTE:  
THE WATER AND/OR WASTEWATER EASEMENTS INDICATED ON THIS PLAN ARE FOR THE  
PURPOSE OF CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, UPGRADE,  
DECOMMISSIONING AND REMOVAL OF WATER AND/OR WASTEWATER FACILITIES AND  
APPURTENANCES. NO OBJECTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, FENCES,  
RETAINING WALLS, TREES OR OTHER STRUCTURES ARE PERMITTED IN WATER AND/OR  
WASTEWATER EASEMENTS EXCEPT AS APPROVED BY THE CITY OF AUSTIN.

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS,

That, Armer + Smith Capital Group, LLC, acting by and through its Managing Member, Kevin Smith,  
owner of all of Lot 2, Block 2, Henry Ulit's Subdivision of Outlots 29 and 30, Division B,  
a subdivision in Travis County, Texas, according to the map or plat thereof recorded in  
Volume 2 Page 230 of the Plat Records of Travis County, Texas, as conveyed to it by  
Warranty Deed recorded in Document Number 2012026432 of the Official Public Records  
of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the  
public notification and hearing provided in Chapter 212.014, of the Local Government Code,  
do hereby resubdivide said Lot 2 in accordance with the attached map or plat shown hereon  
pursuant to Chapter 212 of the Texas Local Government Code, to be known as

RESUBDIVISION OF LOT 2 BLOCK 2  
HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

subject to any easements and/or restrictions heretofore granted, and not released.

WITNESS MY HAND this 17 day of JULY, A.D. 2012.

*[Signature]*  
Kevin Smith, Managing Member for  
Armer + Smith Capital Group, LLC

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS  
I, the undersigned authority, on this the 17 day of JULY, A.D.  
2012, did personally appear Kevin Smith, known to me to be the person  
whose name is subscribed to the foregoing instrument of writing, and he acknowledged  
before me that he executed the same for the purpose and considerations therein expressed.

NOTARY PUBLIC *[Signature]*  
Printed Name DEBBIE VALERO  
Commission Expires 2-9-16





201200161

# RESUBDIVISION OF LOT 2 BLOCK 2 HENRY ULIT'S SUBDIVISION OF OUTLOTS 29 AND 30 DIVISION B

## NOTES:

1. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
2. All water and wastewater improvements must be in accordance with City of Austin water and wastewater design criteria and specifications. All plans must be presented to the City of Austin Water and Wastewater Utility Department for review and approval. All construction must be inspected by the City of Austin.
3. Building setbacks shall be in conformance with the City of Austin Zoning ordinance requirements.
4. No buildings, fences, landscaping, or other obstructions are permitted in drainage easements except as approved by the City of Austin.
5. All drainage easements on private property shall be maintained by the property owner or his assigns.
6. Property owner shall provide 20' access to drainage easements as may be necessary and shall not prohibit access by easement holders.
7. The owner of the subdivision, or his or her successors and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required, per the owner's own expense, if plans to construct this subdivision do not comply with such codes and requirements.
8. Prior to construction, except detached single family on one lot in this subdivision, a Site Development Permit must be obtained from the City of Austin.
9. All streets, drainage, sidewalks, erosion control, and water and wastewater lines are required to be constructed and installed to City of Austin standards.
10. Austin Energy has the right to conduct fire, gas, and structural and remove obstructions to the extent necessary to keep the easements clear of obstructions. Austin Energy will perform all this work in compliance with the City of Austin Land Development Code.
11. The owner/developer of this subdivision shall provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of the subdivision/lot. These easement/access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with the City of Austin Land Development Code.
12. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall notify Austin Energy's work within the limits of construction for this project.
13. All signs shall comply with the Austin Sign Ordinance.
14. By approving this plat, the City of Austin assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the responsibility of the developer and/or the owner of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City of Austin applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
15. Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat Cardinal Lane. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
16. All streets will be constructed to City of Austin standards.
17. The landowner is responsible for providing the subdivision infrastructure, including the water and wastewater utility improvements.
18. No portion of this subdivision is within the boundaries of the 100-year flood plain of any waterway that is within the limits of study of the Federal Flood Administration FIRM panel 46453C 0465 H, dated September 26, 2008.
19. Erosion/sedimentation controls are required for all construction on each lot, including single family and duplex construction, pursuant to the City of Austin Land Development Code and the Environmental Criteria Manual (ECM).
20. Lot 24, Lot 28, Lot 29, and Lot 30 of this subdivision shall have separate sewer taps, separate water meters, and their respective private water and sewer service lines shall be positioned or located in a manner that will not cross lot lines.
21. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
22. Prior to construction on lots in this subdivision, drainage plans will be submitted to the City of Austin for review. Rainfall run-off shall be held to the amount existing at undeveloped status by ponding or other approved methods.
23. Joint Access will be provided to East 12th Street from Lots 28 and 29. The maintenance of the Joint Use Access driveway shall be the responsibility of the owners of the lots which are served by the Joint Use Access driveway.
24. All restrictions and notes from the previous subdivisions, Henry Ulit's Subdivision of Outlots 29 and 30 Division B according to the maps or plat of record in Volume 2 Page 230 of the Travis County Plat Records, shall apply to this resubdivision plat.
25. This plat is to be developed as Cottage Use Lots per LDC 25-2-1444.

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

I, Holt Carson, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 26 of the Austin City Code, and is true and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

*Holt Carson*  
Holt Carson  
Registered Professional Land Surveyor No. 510  
HOLT CARSON, INC.  
1924 Parkway #298 Austin, Texas 78704  
(512) 442-0990



7-12-2012  
Date

THE STATE OF TEXAS  
THE COUNTY OF TRAVIS

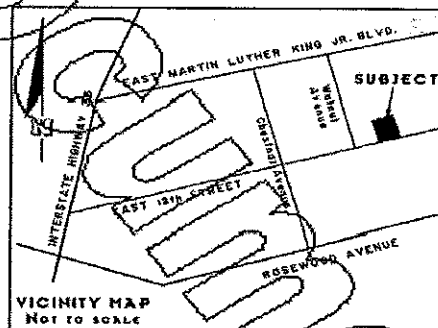
I do hereby certify that the engineering work being submitted herein complies with all provisions of the Texas Engineering Practice Act, including Section 131.021, and I hereby acknowledge that any misrepresentation regarding this certification constitutes a violation of the Act and may result in criminal, civil and/or administrative penalties against me as authorized by the Act.

No portion of this subdivision is within the boundaries of the 100-year flood plain of any waterway that is within the limits of study of the Federal Flood Administration FIRM panel 46453C 0465 H, dated September 26, 2008.

*Kurt Prossner*  
Kurt Prossner, P.E., M.C.E.  
PROSSNER AND ASSOCIATES  
3377 Park Springs Road  
Austin, Texas 78729



7/12/12  
Date



To who It May concern:

My name is Ray Jackson, Sr. and I live at 2704 E. 12<sup>th</sup> street and I support the request by Kevin Smith for a variance to allow cottage lots of less than 3,500 square feet in lot size to be adjacent to my property.

If you have any questions you may contact me at 512-699-2234.

Sincerely,

*Ray Jackson Sr. 11/12/12*

Ray Jackson Sr.

## Walker, Susan

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**From:** Kevin Smith <kevin@terrazacapital.com>  
**Sent:** Wednesday, November 07, 2012 9:22 PM  
**To:** Walker, Susan  
**Subject:** 2702 East 12th street variance request  
**Attachments:** Support Letter from Ray Jackson, Sr..pdf.pdf.pdf

Hi Susan,

I am attaching the letter of support from the adjacent lot neighbor, Ray Jackson, Sr., located at 2704 E 12<sup>th</sup> street. I will also be forwarding a letter of support from the Chestnut neighborhood association next week.

The answer to your question regarding the affected lots per the plat, lots 2C and 2D are the affected lots. Lot 2 D is 2,625 sq. ft. in size. Lot 2D is a total of 3,875 sq. ft. but only 2,750 sq. ft. excluding the flagpole. Both lots are greater than the minimum cottage lot size of 2,500 sq. ft..

Let me know if you have any questions and thank you for your help.

Sincerely,

Kevin Smith